

## COMMISSION ON STATE MANDATES

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June 5, 2000

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*State Agencies and Interested Parties (See attached mailing list)*

RE: **Adoption of Parameters and Guidelines**  
Test Claim: CSM-3986, *Special Education*  
Statutes of 1977, Chapter 1247  
Statutes of 1980, Chapter 797, et al.

Dear Mr. Clarke, Ms. McDonough, and Mr. Stone:

Enclosed are the final Parameters and Guidelines adopted by the Commission on State Mandates on June 5, 2000. The Parameters and Guidelines are effective June 5, 2000.

Commission staff will begin development of a Statewide Cost Estimate after claims are filed with the State Controller's Office.

If you have any questions, please contact David E. Scribner at (916) 323-8221.

Sincerely,

PAULA HIGASHI  
Executive Director

c: Mailing List

Enc.: Adopted Parameters and Guidelines

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 56026, subdivision (c)(4), 56171, subdivision (a), 56190, 56191, 56192, 56194, 56321, 56325, subdivision (b), 56346, 56362, subdivisions (c), (d), (e), and (f), and 56363.3 as added and amended by

Statutes of 1980, Chapters 797, 1329, and 1353; Statutes of 1981, Chapters 972, 1044, and 1094; Statutes of 1982, Chapter 1201; Statutes of 1987, Chapters 311 and 1452; Statutes of 1988, Chapter 35; Statutes of 1991, Chapter 223; Statutes of 1992, Chapter 1361; Statutes of 1993, Chapter 1296; Statutes of 1994, Chapter 1288; and Statutes of 1995, Chapter 530

Title 5, California Code of Regulations, Sections 3043, subdivision (d), and 3067

Filed by Riverside County Superintendent of Schools, Claimant and

North Region SELPA (Alameda Unified School District, Administrative Unit), Castro Valley Unified School District, Contra Costa SELPA, Grant Union High School District, Newport Mesa Unified School District, Oakland Unified School District, Palo Alto Unified School District, and San Mateo-Foster City School District, Supplemental Claimants.

No. CSM-3986

*Special Education*

1. Community Advisory Committees
2. Enrollment Caseloads  
(Resource Specialists; Language, Speech, and Hearing Specialists)
3. Extended School Year
4. Governance Structure
5. Interim Placements
6. Maximum Age Limit—Age Limit 22
7. Resource Specialist Program  
(Excluding Maximum Caseloads)
8. Written Consent

ADOPTION OF PARAMETERS AND  
GUIDELINES PURSUANT TO  
GOVERNMENT CODE SECTION 17557  
AND TITLE 2, CALIFORNIA CODE OF  
REGULATIONS, SECTION 1183.12

*(Adopted on June 5, 2000)*

**ADOPTED PARAMETERS AND GUIDELINES**

The attached Parameters and Guidelines is hereby adopted in the above-entitled matter.

This Decision shall become effective on June 5, 2000.

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PAULA HIGASHI, Executive Director

## **SPECIAL EDUCATION PARAMETERS AND GUIDELINES**

Education Code Sections 56026, subdivision (c)(4), 56171, subdivision (a), 56190, 56191, 56192, 56194, 56321, 56325, subdivision (b), 56346, 56362, subdivisions (c), (d), (e), and (f), and 56363.3

Statutes of 1980, Chapters 797, 1329, and 1353; Statutes of 1981, Chapters 972, 1044, and 1094; Statutes of 1982, Chapter 1201; Statutes of 1987, Chapters 311 and 1452; Statutes of 1988, Chapter 35; Statutes of 1991, Chapter 223; Statutes of 1992, Chapter 1361; Statutes of 1993, Chapter 1296; Statutes of 1994, Chapter 1288; and Statutes of 1995, Chapter 530

Title 5, California Code of Regulations, Sections 3043, subdivision (d), and 3067

### **I. COMMISSION ON STATE MANDATES DECISION AND SUMMARY OF MANDATE**

The Commission on State Mandates, in its Statement of Decision dated November 30, 1998, determined that the following provisions establish costs mandated by the state within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514: (1) Education Code section 56026, subdivision (c)(4); (2) Education Code sections 56190-56192, 56194; (3) Education Code section 56171, subdivision (a); (4) Education Code sections 56362, subdivision (c), and 56363.3; (5) Title 5, California Code of Regulations, section 3043, subdivision (d); (6) Education Code section 56325, subdivision (b), and Title 5, California Code of Regulations, section 3067; (7) Education Code section 56362, subdivisions (d), (e), and (f); and (8) Education Code sections 56321 and 56346.

- A. **Community Advisory Committees.** Statutes of 1980, Chapter 797 (Chapter 797/80) added Education Code sections 56190-56192, 56194, which require school districts to establish community advisory committees with specified membership, authority, and responsibilities related to local plans for the education of individuals with exceptional needs. Technical changes were made by Statutes of 1980, Chapter 1329, and Statutes of 1981, Chapters 972 and 1044.
- B. **Governance Structure.** Chapter 797/80 added Education Code section 56171, subdivision (a), which requires that parents and teachers selected by their peers participate in the development of local plans.
- C. **Enrollment Caseloads.** Chapter 797/80 added Education Code section 56362, subdivision (c), which imposes a caseload limitation for resource specialists. Statutes of 1982, Chapter 1201, added Education Code section 56363.3, which imposes a caseload limitation for language, speech, and hearing specialists.
- D. **Extended School Year.** The California Department of Education added Title 5, California Code of Regulations, section 3043, subdivision (d), effective June 6, 1980, which requires school districts to provide a minimum of 20 days of extended year services even if a fewer number of days is specified in a pupil's individualized education program (IEP).
- E. **Resource Specialist Program (excluding maximum caseloads).** Chapter 797/80 added Education Code section 56362, subdivisions (d), (e), and (f). Subdivision (d) prohibits simultaneous assignment of individuals as resource specialists and regular classroom teachers. Subdivision (e) prohibits a resource specialist from enrolling a pupil for a majority of the school day, pursuant to an IEP, without prior approval of the Superintendent of Public Instruction. Subdivision (f) required school districts to

provide at least one instructional aide for each resource specialist. Statutes of 1981, Chapter 1094, amended subdivision (f) to require that 80% of the resource specialists within a special education local plan area (SELPA) shall be provided with an instructional aide. Statutes of 1982, Chapter 1201, amended subdivision (f) to require that at least eighty percent of the resource specialists within a SELPA shall be provided with an instructional aide.

- F. **Maximum Age Limit – Age 22.** Chapter 797/80, Statutes of 1987, Chapter 311, Statutes of 1991, Chapter 223, Statutes of 1992, Chapter 1361, and Statutes of 1993, Chapter 1296, added and amended Education Code section 56026. Section 56026, subdivision (c)(4), requires school districts to provide a free and appropriate education (“FAPE”) to certain pupils who are 22 years of age.
- G. **Interim Placements.** Chapter 797/80 added Education Code section 56325, subdivision (b), which requires the interim placement of a child with a disability to be reviewed by the IEP team. Title 5, California Code of Regulations, section 3067, effective from March 3, 1982, to January 1, 1995, required that the IEP team review the IEP of a pupil transferring into the school district.
- H. **Written Consent.** Chapter 797/80 added Education Code sections 56321 and 56346, which impose written parental consent requirements for assessments and for revisions to an IEP after the initial placement. Education Code section 56501, subdivision (a)(3), requires districts to go through a due process procedure to overcome lack of parent consent for assessment. Statutes of 1984, Chapter 1288, added subdivision (b) to Education Code section 56346 to require educational agencies to go to mediation/due process if a parent refuses to consent to a portion of the IEP that is necessary to provide free appropriate public education (FAPE).

## **II. ELIGIBLE CLAIMANTS**

Eligible claimants include school districts, county offices of education, Special Education Local Plan Areas (SELPAs), and any joint agency composed of such organizations.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557 states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was submitted on October 31, 1980. Since Chapter 797/80 became effective on July 28, 1980, then except where a different eligibility date is specified for any reimbursable component in Section IV below, all costs incurred on or after July 28, 1980 are reimbursable.

## **IV. REIMBURSABLE COMPONENTS**

Eligible claimants include school districts, county offices of education, SELPAs, and any joint powers agency composed of such organizations. They shall be reimbursed for all direct and indirect costs of employee salaries and benefits, materials and supplies, travel expenses, contracted services, and equipment and capital outlays incurred for the following mandate components:

### **A. Community Advisory Committees.**

1. Staff time and expenses of establishing and maintaining community advisory committees for each SELPA.

2. Staff time and expenses of recruiting and selecting community advisory committee members for each SELPA, including time and expense of ensuring that employees and parents are selected by their peers.
3. Staff time required to participate on the committee.
4. Reasonable and necessary expenses incurred by employee and parent committee members to attend meetings and perform duties.
5. Time and costs for employee members to:
  - a. Advise the policy and administrative entity of the local educational agency regarding the development, amendment, and review of the local plan.
  - b. Recommend annual priorities to be addressed by the plan.
  - c. Assist in parent education and recruit parents and volunteers who may contribute to the implementation of the plan.
  - d. Encourage community involvement in the development and review of the local plan.
  - e. Support activities on behalf of individuals with exceptional needs.
  - f. Assist in parent awareness of the importance of regular school attendance from January 1, 1981, to the present.
6. Uniform Time Allowance Reimbursement

Pursuant to Government Code section 17557, the Commission on State Mandates has adopted uniform allowances for reimbursement of Component A. Community Advisory Committees. Payment of costs using the uniform time allowances is in lieu of payment of actual costs incurred for this component. Claims shall be reimbursed based upon a uniform time allowance of five hours per month for each employee who engaged in the activities identified in Component A.1., two hours per year per each new committee member for each employee who engaged in the activities identified in Component A.2., and 60 minutes per year for each employee who engaged in the activities identified in Component A.5.. For the activities identified in Component A.3., claims shall be reimbursed based upon a uniform time allowance of 90 minutes per meeting per employee (meetings not to exceed 12 per year). Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

**Restriction:** Claimants should file under Community Advisory Committees rather than Governance Structure if advisement on the development of the local plan was performed solely by the Community Advisory Committee and not by additional persons whose services were not obtained in the Community Advisory Committee structure.

**Offset:** Reimbursement for the costs of activities under Component A.5. in a given year shall be reduced or eliminated by the amount of state funding received for Regionalized Services other than Program Specialists for that year through December 31, 1985. Effective January 1, 1986, such reimbursement shall also be reduced by the costs of activities under Component A.4. as well as under Component A.5., in a given year.

## **B. Governance Structure .**

1. Time and expenses of teachers to participate in the development and ongoing revisions of the local plan.
2. Expenses paid to parents for their participation in the development of the local plan. Expenses include, but are not limited to, mileage, meals, and childcare. Time and expense of ensuring that teachers and parents are selected by their peers.
3. Uniform Time Allowance Reimbursement

Pursuant to Government Code section 17557, the Commission on State Mandates has adopted uniform allowances for reimbursement of Component B. Governance Structure. Payment of costs using the uniform time allowances is in lieu of payment of actual costs incurred for this component. Claims for Component B.1. shall be reimbursed based upon a uniform time allowance of 90 minutes per meeting per teacher (meetings not to exceed 12 per year). Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

**Restriction:** Claimants should file under Community Advisory Committees rather than Governance Structure if advisement on the development of the local plan was performed solely by the Community Advisory Committee and not by additional persons whose services were not obtained in the Community Advisory Committee structure.

**Offset:** Reimbursement for the costs of activities under Components B.1. and B.2. in a given year shall be reduced or eliminated by the amount of state funding received for Regionalized Services other than Program Specialists for that year, with this offset reduced by the amount of state funding offset used in Component A., Community Advisory Committees.

## **C. Enrollment Caseloads .**

1. Resource Specialist:
  - a. Monitoring Caseloads
    - (1) *Eligibility Period from July 28, 1980, to September 21, 1982.* Monitoring resource specialist caseloads to ensure that the average caseload does not exceed 24 students and that the maximum caseload does not exceed 28 students.
    - (2) *Eligibility Period from September 22, 1982, to present.* Monitoring resource specialist caseloads to ensure that the maximum caseload does not exceed 28 students.
  - b. Waiver Process
    - (1) Preparation of waiver request and participation in the State Board of Education waiver process to obtain approval of maximum caseloads over 28.
    - (2) Preparation of waiver request and participation in the State Board of Education waiver process to obtain approval for a part-time resource specialist to be simultaneously assigned to regular classes.

c. Recruitment and Employment of Additional Resource Specialists.

If the school district requested a waiver and the request was denied by the State Board of Education, the advertising, recruitment, interviewing, selection and employment of additional resource specialists for any duration necessary to keep maximum caseloads at 28, or below.

2. Language, Speech, and Hearing (LSH) Specialists from September 22, 1982, to the present.

a. Monitoring Caseloads. Monitoring caseload averages in districts, county offices, or SELPAs.

b. Waiver Process

(1) Preparation of waiver request and participation in the process to obtain approval to exceed average caseload of 55.

(2) Preparation of justification in local plan to increase the LSH caseload over 55.

c. Recruitment and Selection of Additional LSH Specialists. If the school district requested a waiver and the request was denied by the State Board of Education, the recruitment and selection of additional LSH specialists.

3. Uniform Time Allowance Reimbursement/Uniform Cost Allowance Reimbursement

Pursuant to Government Code section 17557, the Commission on State Mandates has adopted uniform allowances for reimbursement of Component C. Enrollment Caseloads. Payment of costs using the uniform time allowances and uniform cost allowance is in lieu of payment of actual costs incurred for this component.

Claims shall be reimbursed based upon a uniform time allowance of 60 minutes per month for the activities identified in Component C.1.a.(1) - C.1.a.(2), and 60 minutes per month for the activities identified in Component C.2.a.

Reimbursement for Component C.1.a.(1) and Component C.1.a.(2) is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity times a load factor equal to the number of students receiving resource specialist services during the fiscal year divided by 28. Reimbursement for Component C.2.a. is determined by multiplying the uniform time allowance by the hourly

salary and benefit rate for the personnel member or members who perform this activity times a load factor equal to the number of students receiving LSH services during the fiscal year divided by 55. Reimbursement for Components C.1.b. and C.2.b. shall be based upon a uniform time allowance of 15 hours per waiver request and a uniform cost allowance of \$0.60 per mile for travel and expenses in preparation of the waiver. Reimbursement for the time allowance is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity times the number of times that the personnel member or members performed that activity. Reimbursement for the cost allowance is determined by multiplying the uniform cost allowance by the number of waiver requests.

**Offset:** Reimbursement for the costs under Component C.1.c. in a given year shall be reduced or eliminated by the amount of state funding received for an additional IPSU for a Resource Specialist for the years up through June 30, 1998, and thereafter by the corresponding amount folded into the AB 602 base.

- D. Extended School Year.** Costs of providing extended school year program services for the difference between the number of days of service specified in a student's IEP and the statutory minimum of 20 instructional days of service.

**Offset:** Reimbursement for the costs of the Extended School Year mandate as set forth in Component D. in a given year shall be reduced or eliminated by the amount of state funding received, for that year, or, effective July 1, 1998, by the corresponding amount folded into the AB 602 base.

**E. Resource Specialist Program (excluding maximum caseloads).**

1. Costs associated with the preparation of waiver request and participation in the State Board of Education waiver process to obtain approval for a district to assign a resource specialist with a low caseload to simultaneously serve as the teacher of regular education students.
2. Costs associated with acquiring the approval of the Superintendent of Public Instruction to enroll a pupil pursuant to an IEP for the majority of a school day.
3. The recruitment, selection and employment of instructional aides (including, but not limited to, salaries and employee benefits for such instructional aides) for each resource specialist from July 28, 1980, through December 31, 1981, for eighty percent of the resource specialists from January 1, 1982, to September 21, 1982; or for at least 80% of the resource specialists from September 22, 1982, to present.
4. Uniform Time Allowance Reimbursement/Uniform Cost Allowance Reimbursement

Pursuant to Government Code section 17557, the Commission has adopted a uniform allowance for reimbursement of the Component E.2. and an allocation formula for reimbursement of the Component E.3. Payment of costs using the uniform time allowance and allocation formula is in lieu of payment of actual costs incurred for this component.

- a. Reimbursement of Components E.1 shall be based upon a uniform time allowance of 15 hours per waiver request and a uniform cost allowance of \$0.60 per mile for travel and expenses in preparation for the waiver. Reimbursement for the time allowance is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity times the number of times that the personnel member or members performed the activity. Reimbursement for the cost allowance is determined by multiplying the uniform cost allowance by the number of waiver requests.
- b. Uniform Time Allowance Reimbursement, Component E.2.:  
Claims shall be reimbursed based upon a uniform time allowance of 30 minutes for each approval sought. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate



for the personnel member or members who performed this activity, times the number of times that the personnel member or members perform that activity.

c. Allocation Formula, Component E.3.:

- A. Number of FTE Resource Specialists (from J-50-IPS or equivalent) \_\_\_\_\_
- B. Reimbursable Aides (A x 100% (FY 1980-81) or 80% (all other FY))\_\_\_\_\_
- C. Average FTE Salary Paid to Resource Specialist Aides\* \_\_\_\_\_
- D. Fixed Benefit Costs \_\_\_\_\_
- E. Variable Benefit Costs (Rate = \_\_\_\_%) \_\_\_\_\_
- F. Average FTE Salary and Benefits for Resource Specialist Aides  
(Total of C+D+E) \_\_\_\_\_
- G. Offset for State Funding of Aide \_\_\_\_\_
- H. Reimbursement Per Aide (F-G, but not less than \$0) \_\_\_\_\_
- I. Reimbursement for Aides (B x H) \_\_\_\_\_

\* From Approved Budgets, Mid-point in Salary Schedule, or other source data.

Note: The calculation for offset for State Funding of Aide shall be an agency's aide unit rate for the appropriate year, increased by the agency's non-severe support services ratio (since all RSP units were non-severe), and reduced by the special education state aid deficit for the applicable year. Additionally, for 1997-98 only, school agencies with low funded aides also received equity allocations pursuant to AB 602 (Chapter 854/1997). The amount that an agency received per non-severe aide in recognition of below-average funding (i.e. the amount actually received per aide after proration by the state) should be added to the amount determined above for 1997-98.

Since the amount that each agency received in 1997-98 was subsequently folded into the new special education funding model pursuant to AB 602, it is appropriate that for fiscal years starting in 1998-99, the amount for 1997-98, as increased by funded cost-of-living adjustments, less any state aid deficit applied to base funding, be used.

**F. Maximum Age Limit – Age 22.**

1. Eligibility Periods

- a. *Eligibility Period from July 28, 1980, to December 31, 1991:* Costs of providing FAPE to any individual who became 22 years of age during the school year for the period commencing on the individual's 22nd birthday through the end of the then current school year.

Reimbursable services provided may include teacher time, speech therapy, psychologist services, transportation services, placement in non-public/non-public agency school programs, administrative time directly related to additional administrative duties related to students' current placement in the program, and any other educational services specified in the student's IEP.

- b. *Eligibility Period from January 1, 1992, to December 31, 1992:* Costs of providing FAPE to any individual who became 22 years of age:

- (1) during the months of January to June for the period commencing on the individual's 22nd birthday through the end of the then current fiscal year, including any extended school year program;
- (2) in September and who was enrolled in a year round school program for the period commencing on the individual's 22nd birthday through the date in the then current fiscal year upon which the individual completes the requirements for obtaining a diploma; or
- (3) during the months of October, November or December for the period commencing on the individual's 22nd birthday through December 31 of that fiscal year or through the end of the current term if the student was completing requirements for a diploma.

Reimbursable services provided may include teacher time, speech therapy, psychologist services, transportation services, placement in non-public school/non-public agency programs, administrative time directly related to additional administrative duties related to students' current placement in the program, and any other educational services specified in the student's IEP.

c. *Eligibility Period from January 1, 1993, to October 10, 1993:* Costs of providing FAPE to any individual who became 22 years of age:

- (1) during the months of January to June for the period commencing on the individual's 22nd birthday through the end of the then current fiscal year, including any extended school year program;
- (2) in September and who is enrolled in a year round school program for the period commencing on the individual's 22nd birthday through the date in the then current fiscal year upon which the individual completes their individualized education program; or
- (3) during the months of October, November, or December through December 31 of the current fiscal year or, for the following individuals, through the end of the fiscal year:
  - (a) the individual would otherwise complete his or her IEP during the then current fiscal year, or
  - (b) the individual has not had an individual transition plan incorporated into his or her IEP and implemented from the age of 20.

Reimbursable services provided may include teacher time, speech therapy, psychologist services, transportation services, placement in non-public school/non-public agency programs, administrative time directly related to additional administrative duties related to students' current placement in the program, and any other educational services specified in the student's IEP.

d. *Eligibility Period from October 11, 1993, to present:* Costs of providing FAPE to any individual who became 22 years of age:

- (1) during the months of January to June for the period commencing on the individual's 22nd birthday through the end of the then current fiscal year, including any extended school year program;
- (2) in July, August or September and who is enrolled in a year round school program for the period commencing on the individual's 22nd birthday

though the date in the then current fiscal year upon which the individual completes their individualized education program; or

(3) during the months of October, November or December through December 31 of that fiscal year or, for the following individuals, through the end of the fiscal year:

(a) the individual would otherwise complete his or her IEP during the then current fiscal year, or

(b) the individual has not had an individual transition plan incorporated into his or her IEP and implemented from the age of 20.

Reimbursable services provided may include teacher time, speech therapy, psychologist services, transportation services, placement in non-public school/non-public agency programs, administrative time directly related to additional administrative duties related to students' current placement in the program, and any other educational services specified in the student's IEP.

## **2. Uniform Cost Allowance Reimbursement**

Pursuant to Government Code section 17557, the Commission on State Mandates has adopted uniform cost allowances for reimbursement of Component F.

**Maximum Age Limits.** The uniform cost allowances are in lieu of payment of actual costs incurred for this component. Claims shall be reimbursed based upon the number of months the special education student continued to be served by the school following his/her 22nd birthday, times the number of students, multiplied by the uniform cost allowance.

The uniform cost allowance for this component shall be one thousand eight hundred and seventy five dollars (\$1,875) per month in the 1994-95 fiscal year. Rather than calculating the actual amount of months per student that received services beyond their 22nd birthday, each student will be presumed to have received six months of service (x \$1,875 per month) beyond his/her 22nd birthday. The uniform cost allowance shall be adjusted upward or downward as appropriate each previous or subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

## **G. Interim Placements.**

1. Costs of involving more than one employee in review of an interim placement and final recommendation for permanent placement of a pupil transferring into the school district beginning March 3, 1982, and ending January 1, 1995, if the use of the existing "old" IEP is uncontested by the pupil's parents or guardians and the receiving LEA and unless the IEP team review and recommendation occur in the same meeting as the annual IEP review required under IDEA.

## **2. Uniform Time Allowance Reimbursement**

Pursuant to Government Code section 17557, the Commission on State Mandates has adopted uniform allowances for reimbursement of Component G. Interim Placements. Payment of costs using the uniform time allowances is in lieu of payment of actual costs incurred for this component. Claims shall be reimbursed based upon a uniform time allowance of 60 minutes per employee in excess of one employee per each interim placement. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for

the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

#### **H. Written Consent.**

1. Time and expenses to create a form that would be used to request parental consent to assessment and/or an IEP.
2. Time and expenses to obtain consent for all subsequent assessments after the initial placement.

**Restriction:** Claimants may recover for time and expenses for attempts to obtain consent for all subsequent assessments retrospectively for the time period up until June 4, 1997. Claimants may not recover for time and expenses to obtain consent for all subsequent assessments for the time period June 4, 1997 to the present because the IDEA 1997 requires LEAs to obtain consent for subsequent assessments.

3. Time and expenses to obtain consent for all subsequent IEPs after the initial placement.
4. Postage for each letter sent to parents requesting parental consent to an IEP and/or assessment.
5. Time and expenses to make a follow-up phone call to each parent or guardian when no consent for IEP and/or assessment has been obtained.
6. Time and expenses for employees or contractors to prepare for mediation.
7. Time and expenses for employees or contractors to attend mediation.
8. Time and expenses for employees or contractors to prepare for a due process hearing and draft the closing brief after the due process hearing.
9. Time and expenses for employees or contractors to attend a due process hearing.
10. Uniform Time Allowance Reimbursement/Uniform Cost Allowance Reimbursement.

Pursuant to Government Code section 17557, the Commission has adopted a uniform allowance for reimbursement of Component H. Written Consent. Payment of costs using the uniform time and cost allowance is in lieu of payment of actual costs incurred for this component.

a) Uniform Time Allowance Reimbursement, Component H.1:

Claims shall be reimbursed to LEAs based upon a uniform cost allowance of one hour per year per employee who engaged in the activities identified in Component H.1. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity.

b) Uniform Time Allowance Reimbursement, Component H.2:

Claims shall be reimbursed based upon a uniform time allowance per year of one-half hour certificated employee time per special education student plus one-half hour classified employee time per special education student per employee who engaged in the activities identified in Component H.2.

Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

c) Uniform Time Allowance Reimbursement, Component H.3:

Claims shall be reimbursed based upon a uniform time allowance of one hour certificated employee time per special education student plus one-half hour classified time per special education student who engaged in the activities identified in Component H.3. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

d) Uniform Time Allowance Reimbursement, Component H.4:

Claims shall be reimbursed based upon a uniform cost allowance of sixty-four cents per letter times the number of special education students in LEA.

e) Uniform Time Allowance Reimbursement, Component H.5:

Claims shall be reimbursed based upon a uniform time allowance of a fifteen minute follow-up phone call by administrator to each parent or guardian times the number of special education students in LEA whose parent or guardian did not consent to IEP and/or assessment. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity.

f) Uniform Time Allowance Reimbursement, Component H.6:

Claims shall be reimbursed based upon a uniform time allowance of six hours per employee per mediation where consent to assessment or IEP was the issue. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

g) Uniform Time Allowance Reimbursement, Component H.7:

Claims shall be reimbursed based upon a uniform time allowance of six hours per employee per mediation where consent to assessment or IEP was the issue. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

h) Uniform Time Allowance Reimbursement, Component H.8:

Claims shall be reimbursed based upon a uniform time allowance of twenty hours for hearing preparation and post-hearing work for administrator per hearing where consent to assessment or IEP was the issue. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

i) Uniform Time Allowance Reimbursement, Component H.9:

Claims shall be reimbursed based upon a uniform time allowance of twenty hours for administrator's attendance at hearing per hearing. Reimbursement is determined by multiplying the uniform time allowance by the hourly salary and benefit rate for the personnel member or members who perform this activity by the number of times that the personnel member or members performed that activity.

## **V. SPECIAL EDUCATION COSTS**

An eligible claimant may claim reimbursement in any year only to the extent that the eligible claimant's total special education program costs encroached on the local general fund in that year. Of the total amount of encroachment, only that amount necessary to fund any of the state mandated program areas detailed in these Parameters and Guidelines may be claimed. If the eligible claimant's total special education program costs did not encroach, no reimbursement shall be claimed.

## **VI. USE OF UNIFORM TIME/COST ALLOWANCES OR ACTUAL COSTS**

Claimants may use the uniform allowances specified for any component in Section IV above or actual costs supported with the documentation listed in Sections VII and VIII for filing reimbursement claims.

## **VII. CLAIM PREPARATION**

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate. Pursuant to Government Code section 17561, subdivision (d)(1), all claims for reimbursement of the initial year's costs shall be submitted within 120 days of the issuance of the State Controller's Office claiming instructions. If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

### **A. REPORTING BY COMPONENTS**

Claimed costs must be allocated according to the components of reimbursable activity described in Section IV.

### **B. SUPPORTING DOCUMENTATION**

Claimed costs should be supported by the following information:

#### **1. Employee Salaries and Benefits**

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits.

#### **2. Materials and Supplies**

Only the expenditures which can be identified as a direct cost of the mandate can be claimed. List cost/prices of printing, materials, supplies which have been consumed or expended specifically for the purpose of this mandate.

#### **3. Travel Expenses**

Mileage, per-diem, lodging, public carrier charges, and other employee travel costs are reimbursable in accordance with the rules of the local jurisdiction. Retain records of the name, method of transportation, travel dates, destinations, and costs.

4. Contracted Services

Provide a copy of the contract or provide the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by the contractor, show the inclusive dates when services were performed, and itemize all costs for those services.

5. Equipment and Capital Outlays

Describe and list the cost of fixed assets that have been acquired (purchased, leased, or rented) for the purpose of this mandate. If the fixed asset is used for purposes that are not directly related to the mandated program, only the pro-rata portion of the asset used for purposes of the mandated program is reimbursable. Reimbursement will be based on the actual cash disbursement made for the fiscal year of the claim and not the annual depreciated value of the asset.

6. Indirect Costs

- a. School districts must use the J-380 (previous and/or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
- b. County offices of education must use the J-580 (previous and/or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

C. COST ACCOUNTING STATISTICS

The State Controller is directed to include in its claiming instructions each year the requirement that claimants report to the State Controller the appropriate statistics for the purpose of establishing a database for potential future reimbursement based on prospective rates.

**VIII. SUPPORTING DATA**

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

For initial reimbursement claims, claimants may use cost data from one fiscal year to determine a unit cost for a component or selected activities of a component. The unit cost shall be adjusted by the Deflator to determine the cost of the component or activities for prior years. The claimant shall maintain records relating to the determination of the unit cost and the number of events in the fiscal year for which costs are claimed to which the unit cost is applied.

**IX. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS**

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including, but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

## **X. REQUIRED CERTIFICATION**

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those cost mandated by the state contained herein.

## **XI. PARAMETERS AND GUIDELINES AMENDMENTS**

Pursuant to Title 2, California Code of Regulations, section 1183.2, such requests filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement or must be made by January 15 immediately following the fiscal year of the reimbursement claim in which reimbursement for the costs is requested.

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